

642 decision of the people was binding for the State organs.

641 The new Constitution¹ also guaranteed freedom
642 to the people, namely freedom of speech, press, the media of mass communication, assembly, organization and religion.

692 The judiciary was entirely independent in its
642 functions, although the judges were appointed by the President. It consisted of the State Court of Justice, which was the supreme legal authority, and of the lower courts; the Court of Appeal, the Regional Courts, and the District Magistrates.

642 The Constitution of Soviet-occupied Estonia was passed in an illegally elected Riigikogu on 25 August 1941. This Riigikogu was renamed then the Supreme Soviet of the Estonian SSR, which elected Prime Minister J. Vares as

642 Article 97 provides that "the citizens of the
641 Estonian SSR are guaranteed by law: a) freedom
of speech, b) freedom of press, c) freedom of
assembly, including the holding of mass meetings,
and d) freedom of street procession and demon-
strations." None of these liberties actually
exists in present-day Estonia.

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Articles 99^A and 100 provide that citizens be
guaranteed inviolability of person and home and
that privacy of correspondence be protected by
law. In actual practice the Soviet Union, includ-
ing the Estonian SSR, is a country of nightly
arrests and deportations, punishments without
trial, where no citizen can have security. Pri-
vacy of correspondence is not given either, for
the people must avoid correspondence with per-
sons in Western countries in order not to be per-
secuted.

ooo These are only a few of the many discrepancies
[See cat. 116, p 314]-320-

[Estonian Constitution 25 of November, 1947] ³

642 Outside of the spheres set forth in Art. 14, of the Constitution of the USSR, the Estonian SSR exercises state authority independently, retaining its sovereign rights in full.

[701] Art. 13a. The Estonian SSR has its own Republican military formations.

642 Art. 13b. The Estonian SSR has the right to enter into direct relations with foreign states and to conclude agreements and exchange diplomatic and consular representatives with them.

631 Art. 14. The Estonian SSR consists of the districts of Kharluma, Yarvana, Lyndama, Patserrina, Pyarnuma, Sarema, Tartuma, Valgama, Viljandima, Viruma, Vyruma; and of the cities of Tallin, Tartu, Narva, Pyarnu and Paldiski which do not form part of districts.

642 Art. 15. The Estonian SSR reserves the right freely to secede from the Union of Soviet Socialist Republics.

Art. 16. The territory of the Estonian SSR may not be altered without its consent.

Art. 17. The laws of the USSR are binding within the territory of the Estonian SSR.

644 Art. 18. Every citizen of the Estonian SSR is a citizen of the USSR. Citizens of all other Union Republics enjoy on the territory of the Estonian SSR equal rights with citizens of the Estonian SSR.¹

642 Art. 19. The jurisdiction of the Estonian SSR as represented by its higher organs of state power and organs of state administration, embraces:

- a) Adoption of the Constitution of the Estonian SSR and control over its observance;
- b) Establishment of the administrative-territorial divisions of the Estonian SSR and of the boundaries of districts and volosts;
- c) Legislation of the Estonian SSR;
- d) Maintenance of public order and safeguarding the rights of citizens;
- e) Approval of the national-economic plan of the Estonian SSR;
- f) Approval of the state budget of the Estonian SSR and of the report on its fulfillment;
- g) Determination of state and local taxes; imposts and non-tax revenues in conformity with the laws of the USSR, as well as direction of the fulfillment of local budgets;
- h) Direction of insurance and savings;
- i) Administration of the banks, industrial, agricultural and trading enterprises and organizations subordinate to the Republic, as well as direction of local industry;
- j) Control and superintendence of the condition and administration of enterprises subordinate to the Union;
- k) Establishment of the procedure governing the use of land, mineral wealth, forests and waters;
- l) Direction of dwelling-houses and the municipal economy, dwelling house construction and the modernization of cities and other inhabited places;

1 [Errata: (f. Errata sheet, Cat. 116, piii for "addition--Analyst")]

[Estonian constitution 23 of November, 1947]

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693 Art. 76. In all Courts cases are tried with the participation of people's assessors, except in cases specially provided for by law.

692 Art. 79. The Supreme Court of the Estonian SSR is the highest judicial organ of the Estonian SSR. The Supreme Court of the Estonian SSR is charged with the supervision of the judicial activities of all the judicial organs of the Estonian SSR.

646 Art. 80. The Supreme Court of the Estonian SSR is elected by the Supreme Soviet of the Estonian SSR for a term of five years.

Art. 81. District Courts are elected by the district Soviets of Working People's Deputies for a term of five years.

Art. 82. People's Courts are elected by the citizens of the cities and volosts on the basis of universal, direct and equal suffrage by secret ballot for a term of three years.

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[523] Art. 83. Judicial proceedings in the Estonian SSR are conducted in the Estonian and Russian languages, persons not knowing these languages being guaranteed the opportunity of fully acquainting themselves with the material of the case through an interpreter and likewise the right to use their own language in court.

Art. 84. In all Courts of the Estonian SSR cases are heard in public, unless otherwise provided for by law, and the accused is guaranteed the right to defence.

693 Art. 85. Judges are independent and subject only to the law.

Art. 86. Supreme supervisory power to ensure the strict observance of law by all Ministries and institutions subordinated to them, as well as by officials and citizens within the territory of the Estonian SSR generally, is exercised by the Procurator-General of the USSR directly and also through the Procurator of the Estonian SSR.

Art. 87. The Procurator of the Estonian SSR is appointed by the Procurator-General of the USSR for a term of five years.

Art. 88. District and city procurators are appointed by the Procurator of the Estonian SSR subject to the approval of the Procurator-General of the USSR for a term of five years.

Art. 89. The organs of the Procurator's Office perform their functions independently of any local organs whatsoever, being subordinate solely to the Procurator-General of the USSR.

Chapter VIII. Fundamental Rights and Duties of Citizens

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461 Art. 90. Citizens of the Estonian SSR have the right to work, that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality.

[Estonian Constitution as of November, 1947]

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The right to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises and the abolition of unemployment.

Art. 91. The citizens of the Estonian SSR have the right to rest and leisure.

[466] The right to rest and leisure is secured by the establishment of an eight-hour day for the overwhelming majority of workers, by the institution of annual vacations with full pay for factory and office workers, and by the provision of a wide network of sanatoria, rest homes and clubs for the recreation of working people.

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Art. 92. Citizens of the Estonian SSR have the right to maintenance in old age and also in case of sickness or disability.

This right is ensured by the extensive development of social insurance of factory and office workers at state expense, free medical service for working people, and the provision of a wide network of health resorts for the use of the working people.

[571] Art. 93. Citizens of the Estonian SSR have the right to education. This right is ensured by universal and compulsory elementary education; by free education up to and including higher education by a system of state stipends for the overwhelming majority of students of higher educational institutions; by instruction in schools being conducted in the native language, and by the organization in the factories, state farms, and machine and tractor stations of free vocational, technical and agronomic training for the working people.

[562] Art. 94. Women in the Estonian SSR are accorded equal rights with men in all spheres of economic, government, cultural, political and other public activity.

The possibility of exercising these rights is ensured by women being accorded an equal right with men to work, payment for work, rest and leisure, social insurance and education, by state protection of the interests of mother and child, maternity leave with full pay, and the provision of a wide network of maternity homes, nurseries and kindergartens.

[525] Art. 95. Equality of rights of citizens of the Estonian SSR, irrespective of their nationality or race, in all spheres of economic, government, cultural, political and other public activity, is an inalienable law.

Any direct or indirect restriction of the rights of, or, conversely, the establishment of any direct or indirect privileges for, citizens on account of their race or nationality, as well as any advocacy of racial or national exclusiveness or hatred and contempt, is punishable by law.

[659] Art. 96. In order to ensure the citizens freedom of conscience, the church in the Estonian SSR is separated from the state, and the school from the church. Freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens.

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Art. 97. In conformity with the interests of the working people, and in order to strengthen the socialist system, the citizens of the Estonian SSR are guaranteed by law:

- a) freedom of speech;
- b) freedom of press;
- c) freedom of assembly, including the holding of mass meetings;
- d) freedom of street processions and demonstrations;

These civil rights are ensured by placing at the disposal of the working people and their organisations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisites for the exercise of these rights.

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Art. 98. In conformity with the interests of the working people, and in order to develop the organisational initiative and political activity of the masses of the people, citizens of the Estonian SSR are guaranteed the right to unite in public organisations: trade unions, cooperative societies, youth organisations, sport and defence organizations, cultural, technical and scientific societies; and the most active and politically-conscious citizens in the ranks of the working class and other sections of the working people unite in the Communist Party of the Soviet Union (Bolsheviks), which is the vanguard of the working people in their struggle to strengthen and develop the socialist system and is the leading core of all organisations of the working people, both public and state.

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Art. 99. Citizens of the Estonian SSR are guaranteed inviolability of the person. No person may be placed under arrest except by decision of a court or with the sanction of a procurator.

Art. 100. The inviolability of the homes of citizens and privacy of correspondence are protected by law.

Art. 101. The Estonian SSR affords the right of asylum to foreign citizens persecuted for defending the interests of the working people, or for scientific activities, or for struggling for national liberation.

Art. 102. It is the duty of every citizen of the Estonian SSR to abide by the Constitution of the Estonian Soviet Socialist Republic, to observe the laws, to maintain labour discipline, honestly to perform public duties, and to respect the rules of socialist intercourse.

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Art. 103. It is the duty of every citizen of the Estonian SSR to safeguard and fortify public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the country, as the source of the prosperity and culture of all the working people.

Persons committing offences against public, socialist property are enemies of the people.

Art. 104. Universal military service is law.

Military service in the Red Army is an honourable duty of the citizens of the Estonian SSR.

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Art. 105. To defend the country is the sacred duty of every citizen of the Estonian SSR. Treason to the motherland - violation of the oath of allegiance, desertion to the enemy, impairing the military power of the state, ~~and the like~~ is punishable with all the severity of the law as the most heinous of crimes.

[Estonian Constitution 23 of November, 1947]

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000 ~~fraud~~ - is punishable with all the severity of the law as the most heinous crimes.

Chapter IX. The Electoral System

166 Art. 106. Members of all Soviets of Working People's Deputies - of the Supreme Soviet of the Estonian SSR and of the district, city, volost, settlement and village Soviets of Working People's Deputies - are chosen by the electors on the basis of universal, equal and direct suffrage by secret ballot.

Art. 107. Elections of deputies are universal: all citizens of the Estonian SSR who have reached the age of eighteen, irrespective of race or nationality, sex, religion, education, domicile, social origin, property status or past activities, have the right to vote in the election of deputies and to be elected, with the exception of insane persons and persons who have been convicted by a court of law and whose sentences include deprivation of electoral rights.

164 Every citizen of the Estonian SSR who has reached the age of twenty-one is eligible for election to the Supreme Soviet of the Estonian SSR, irrespective of race, nationality, sex, religion, education, domicile, social origin, property status or past activities.

Art. 108. Elections of deputies are equal: each citizen has one vote; all citizens participate in elections on an equal footing.

162 Art. 109. Women have the right to elect and be elected on equal terms with men.

Art. 110. Citizens serving in the Red Army have the right to elect and be elected on equal terms with all other citizens.

Art. 111. Elections of deputies are direct: all Soviets of Working People's Deputies, from village and city Soviets of Working People's Deputies to the Supreme Soviet of the Estonian SSR are elected by the citizens by a direct vote.

Art. 112. Voting at elections of deputies is secret.

Art. 113. Candidates are nominated by election districts.

The right to nominate candidates is secured to public organizations and societies of the working people: Communist Party organizations, trade unions, cooperatives, youth organizations and cultural societies.

Art. 114. It is the duty of every deputy to report to his electors on his work and on the work of his Soviet of Working People's Deputies, and he may be recalled at any time upon decision of a majority of the electors in the manner established by law.

Art. 115. Elections to the Soviets of Working People's Deputies of the Estonian SSR are held by election districts on the basis of representation fixed by the Ordinance Concerning Elections to Soviets of Working People's Deputies of the Estonian SSR.